

**CIVIL JURY TRIAL
MINUTE SHEET**

United States District Court	Eastern District of Virginia - Richmond Division
CASE TITLE e-Plus, Inc. v. Lawson Software, Inc.,	CASE NO: 3:09CV00620 JUDGE: Payne COURT REPORTER: Diane Daffron, Peppy Peterson, OCRS

DATE: JAN 12 2011

CLERK, U.S. DISTRICT COURT
RICHMOND, VAMATTER COMES ON FOR: JURY TRIAL (X) ^{DPay 6} MOTIONS BEFORE TRIAL: _____**TRIAL PROCEEDINGS:**

JURY: APPEARED, SWORN, EXAMINED ON VOIR DIRE () EMPANELED, SWORN TO TRY ISSUE ()

WITNESSES EXCLUDED ON MOTION OF: PLAINTIFF(S) () DEFENDANT(S) () COURT ()

OPENING STATEMENTS MADE () OPENING WAIVED ()

PLAINTIFF(S) ADDUCED EVIDENCE () RESTED () MOTION () _____

DEFENDANT(S) ADDUCED EVIDENCE () RESTED () MOTION () _____

REBUTTAL EVIDENCE ADDUCED () SUR-REBUTTAL EVIDENCE ADDUCED ()

EVIDENCE CONCLUDED () ARGUMENTS OF COUNSEL HEARD ()

JURY CHARGED BY THE COURT () ALTERNATE JUROR(S) DISCHARGED ()

OBJECTIONS AND/OR EXCEPTIONS TO THE JURY CHARGE NOTED BY * JURY OUT: _____
DEFENDANT () GOVERNMENT () NONE NOTED () ** JURY IN: _____

INQUIRIES OF THE JURY RECEIVED; ANSWERED () ADDITIONAL CHARGE ()

JURY RETURNED VERDICT IN FAVOR OF PLAINTIFF(S) () MONETARY AWARD \$ _____

JURY RETURNED VERDICT IN FAVOR OF DEFENDANT(S) () _____

JURY UNABLE TO AGREE () MISTRIAL DECLARED () JURY DISCHARGED ()

CLERK TO ENTER JUDGMENT ON VERDICT () TRIAL EXHIBITS RETURNED TO COUNSEL ()

CASE CONTINUED UNTIL _____ AT _____ .M. FOR _____

MOTION(S) AFTER VERDICT: See page 2, attached, for minute entry.Counsel for the Plaintiff(s): Scott L. Robertson, Esq. Michael G. Strapp, Esq. Craig T. Merritt, Esq.
David Young, Esq. Jennifer A. Alber, Esq.Counsel for the Defendant(s): Daniel W. McDonald, Esq. William D. Schultz, Esq. Dabney J. Carr, IV, Esq.
Kirstin L. Stoll-Debell, Esq. Rachel C. Hughes, Esq.

SET: 9:00am BEGAN: 9:00am VOIR DIRE: ENDED: TIME IN COURT:

RECESSES: (20) 1 hr. lunch

Minute Continuation Sheet : Matter came on continuation of Jury Trial Proceedings Day 6. Counsel addressed trial matters with the Court. Jurors appeared; all present. Plaintiff continued to adduce evidence. The Court ordered that lunch be provided for the jurors. Lunch recess had. Defendant's Motion for Judgment as a Matter of Law heard; arguments had. Motion granted in part; denied in part (see transcript for specific ruling). Question rec'd from the jury and answered in Open Court, Question marked as Count Exhibit No. 3. Stipulations read to the jurors by counsel for the Plaintiff; Plaintiff rested. Defendant adduced evidence. Jurors sent home at 4:40 p.m. to return tomorrow at 9:00 a.m. for further trial proceedings. Court adjourned at 5:35 p.m.

QUESTIONS

① ~~Q1~~ (There @ 000)

Is there a requirement for an entity to perform due diligence and search for patents on products / services, etc. before the entity markets and sales their product / services, etc. ?

② Why didn't Lawson file for a patent on its 53 system? Can it be considered "prior art" if the patent has not expired?

③ - Can one contact the US Patent Office for existing patents (search)?

- Who decides if a patent is valid?

- Is the US Patent Office notified and their opinion sought if the validity of a patent is questioned?

④ How many orders to compel were ignored? (re discovery, doc. production)

Lf. Ex. 3